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## OLR Bill Analysis

### sHB 6100 (as amended by House "A")\*

## **AN ACT CONCERNING DEPARTMENT OF CONSUMER PROTECTION LICENSING AND ENFORCEMENT.**

### TABLE OF CONTENTS:

#### SUMMARY

#### § 1 — SITING COUNCIL CONSULTATION

*Eliminates the requirement that the council consult with DCP prior to starting public hearings*

#### §§ 2-5 — APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES

*Makes changes to the appraisal management company (AMC) statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations*

#### §§ 6 & 7 — ARCHITECTS

*Establishes continuing education completion deadlines for architects*

#### §§ 8-10 — COMMUNITY ASSOCIATION MANAGERS (CAM)

*Makes minor changes to the CAM law*

#### §§ 11 & 14-17 — GENERAL POWERS

*Makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it*

#### § 12 — DATE LABELING REQUIREMENTS

*Updates an obsolete reference*

#### § 13 — NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION

*Specifies the notice procedure that applies when a designated party or intervenor requires notice of an enforcement action*

#### § 18 — CENTRALIZED INFRACTIONS BUREAU

*Makes certain assessed fines payable by mail without appearing in court*

#### §§ 19-21 — HOMEMAKER-COMPANION AGENCIES

*Allows homemaker-companion agencies to obtain insurance policies to cover employee theft; requires these agencies to conduct a national background check that meets certain requirements; and specifies conditions that make an individual ineligible for employment*

#### §§ 22-24 — LICENSED TRADESPERSONS

*Requires contracts for work on private residential property by licensed tradespeople to meet certain specifications*

§ 25 — LAPSE OF PROFESSIONAL ENGINEER OR SURVEYOR LICENSE

*Specifies that a license lapses if not renewed by the expiration date*

§§ 26-28 — REAL ESTATE BROKERS AND SALESPERSONS

*Changes the annual registration expiration date for real estate brokers*

§§ 29 & 38 — HOME IMPROVEMENT CONTRACTORS

*Changes the annual registration expiration date for home improvement contractors*

§§ 30 & 31 — MOBILE MANUFACTURED HOME PARK LICENSES

*Makes several changes in the law on DCP's enforcement authority over mobile manufactured homes*

§§ 32-36 — CERTIFIED PUBLIC ACCOUNTANTS

*Makes several changes to the law regulating certified public accountants (CPAs), including changes to conform the law to the American Institute of CPAs' rules of conduct concerning fees*

§ 37 — LOCKSMITHS

*Specifies the method for conducting a criminal history check of prospective registrants*

§§ 39 & 40 — HEALTH CLUB CONTRACTS

*Requires health clubs to (1) allow members to cancel their memberships by email and (2) provide written notice about the renewal at the beginning of the contract for those subject to automatic renewal*

§§ 41-43 — NEW MOTOR VEHICLE LEMON LAW

*Requires additional manufacturers to stamp their vehicles indicating they are lemon law buybacks; requires consumers in arbitration to provide notice about the arbitration before selling their motor vehicle; fines manufacturers that fail to stamp within the specified time period or fail to perform arbitration awards; and requires dealers to remit payments to the new automobile warranties account in an annual lump sum*

§ 44 — CONTROLLED SUBSTANCE REGISTRATIONS

*Allows DCP to immediately inactivate a practitioner's controlled substance registration if his or her license, registration, or approval of a license to practice is inactive for more than 90 days*

§ 45 — EPINEPHRINE AUTO INJECTOR PRESCRIPTIONS

*Allows pharmacists to prescribe an epinephrine auto injector (e.g., EpiPen) to someone who previously had a prescription for one, under certain circumstances*

§ 46 — STERILE COMPOUNDING FACILITY CHANGES

*Increases, from 10 to 45 days, the advance notice a compounding facility must give DCP when it plans to remodel or repair its sterile compounding facilities; requires emergency repairs to be reported within 24 hours*

§ 47 — PHARMACIST CONSULTATIONS

*Expands the requirement that pharmacists offer to consult with patients when dispensing medications to include controlled substances, in addition to other drug types; applies the requirement to all pharmacies*

§ 48 — DRUG WHOLESALER DEFINITION

*Exempts certain pharmacies from the definition of “drug wholesaler”*

§ 49 — MEDICAL MARIJUANA MATERIAL CHANGE NOTICE AND WAITING PERIOD

*Requires anyone involved in a transaction that results in a material change to a medical marijuana business to file written notice with the attorney general and establishes a waiting period for these transactions*

§§ 50-53 — HEMP

*Allows licensed medical marijuana producers to manufacture, market, cultivate, or store hemp and manufacturer hemp products and obtain these products from other legal sources; requires these products the producer purchases to be tracked throughout the manufacturing process*

§§ 54-78 — LIQUOR CONTROL ACT CONFORMING AND TECHNICAL CHANGES

*Makes numerous minor, technical, and conforming changes to implement the changes from PA 19-24, including, among other things, conforming changes for the new cafe permit*

§ 61 — SPECIAL CLUB PERMITS

*Allows cafe permittees that are nonprofit clubs to receive an additional permit to allow alcohol sales at outdoor picnics*

§ 68 — HOLDING MULTIPLE PERMITS

*Allows a (1) nonprofit theater permittee to also hold a coliseum permit and (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit*

§ 68 — WHOLESALER’S HEARING REQUEST ON PRIOR PERMITTEE’S LIQUOR OBLIGATIONS

*Eliminates a wholesaler’s ability to request a hearing when a retailer permit applicant purchases a business where a prior permittee may have had outstanding liquor obligations*

§ 69 — PACKAGE STORE INTEREST INCREASE

*Increases the number of alcoholic beverage retail permits (e.g., package stores) a person or backer may acquire an interest in from five to six*

§§ 70 & 86 — AFFIRMED APPLICATIONS

*Requires certain applications to be affirmed rather than sworn*

§ 75 — EFFECTIVE SEPARATION AND MINORS

*Prohibits minors from being at certain consumer bars without a parent, guardian, or spouse*

§ 76 — AIRPORT ALCOHOL HOURS

*Reauthorizes certain airport cafe permittees to serve alcohol at the hours they were allowed to before the enactment of PA 19-24*

§ 78 — DCP ALCOHOL REGULATIONS PAMPHLET

*Eliminates the option for DCP to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website*

§ 79 — COMPLAINT DISCLOSURE TIMEFRAME

*Increases the time DCP can withhold investigation information from six to 18 months*

§ 80 — WHOLESALER FREE SAMPLES

*Allows wholesalers to offer industry members and their own staff free samples of alcohol they distribute*

§ 81 — CONCESSION PERMITTEES SERVING TWO DRINKS AT ONCE

*Allows concession permittees to sell up to two drinks at one time*

§ 82 — PROVISIONAL PERMIT TIME LIMITS

*Prohibits provisional permits from being extended beyond one year*

§§ 83 & 84 — DRUGGIST PERMIT ALCOHOL DELIVERIES

*Allows druggist permittees to deliver alcohol*

§ 85 — CATERER PERMIT

*Specifies that caterer liquor permittees may sell and serve alcoholic liquor without food, prohibits them from self-dealing or self-hiring in order to generate catering events, and allows for exclusive catering contracts*

§ 86 — NOTICING AND PLACARDING REQUIREMENTS EXEMPTION

*Exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from noticing and placarding requirements*

§ 86 — REMONSTRANCE

*Limits remonstrances to instances where the issue is not controlled by local zoning*

§ 86 — APPLICATIONS WITH NO ACTION

*Allows DCP to return applications when no action has occurred in 12 months*

§§ 87, 88, 92 & 94-96 — FINES AND APPEALS

*Specifies that the appeals of conditions placed on permits are held in accordance with the UAPA and fines on a permit are per violation*

§ 89 — NOTICES

*Requires notices of decisions of any revocation or suspension of any permit to be posted on DCP's website rather than sent to the town clerk where the permittee operates or operated*

§ 90 — TECHNICAL CHANGE

*Makes a technical change*

§ 91 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

*Specifically allows CUTPA to be used in cases of unfair pricing*

§ 93 — MANUFACTURER REBATES

*Prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) requiring alcohol purchase as a prerequisite for purchasing these items*

§ 97 — CAFE PERMITS FOR HIGHER EDUCATION INSTITUTIONS

*Allows cafe permits to be issued to accredited higher education institutions*

§ 98 — OUT-OF-STATE SHIPPERS

*Allows out-of-state shipper permittees to sell outside of Connecticut*

§ 99 — PACKAGE STORE SHIPPING OUT-OF-STATE

*Allows package store permittees to ship to out-of-state consumers below their cost*

§ 100 — TWO DRINKS AT ONCE

*Allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at once*

§§ 101 & 102 — MUNICIPAL OPTION

*Allows municipalities to decide whether to allow alcoholic liquor (e.g., spirits, wine, and beer) sales legislatively rather than by referendum*

§ 103 — SEASONAL OUTDOOR OPEN-AIR PERMIT

*Establishes a seasonal outdoor open-air permit that allows alcohol sales in outdoor spaces under certain conditions*

§ 104 — PROHIBITION ON RELABELING AS CONNECTICUT WINE

*Prohibits anyone from repackaging, relabeling, or selling wine manufactured outside of Connecticut for the purpose of selling it as Connecticut-made wine*

§ 105 — PACKAGE STORE ALLOWABLE ITEMS

*Allows package store permittees to sell devices and related accessories designed to access and extract a beverage containing alcohol from a prepackaged container (e.g., pod or pouch)*

§ 106 — MEAD IN GIFT BASKETS

*Allows gift basket retailer permittees to sell mead in their gift baskets*

§ 107 — PROOF GALLON

*Specifies that a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, may sell sealed bottles at retail for off-premises consumption*

§§ 108 & 109 — CERTAIN ALCOHOL PERMITTEES ALLOWED TO SELL FOR OFF-PREMISES CONSUMPTION

*Allows, for three years following the bill's effective date, certain alcohol permittees to sell and deliver alcoholic liquor for off-premises consumption that they currently sell for on-premises consumption*

§ 110 — REPEALER

*Repeals obsolete provisions*

BACKGROUND

*Information on related bills*

**SUMMARY**

This bill makes various changes to Department of Consumer Protection (DCP) statutes as described below.

EFFECTIVE DATE: Varies; see below.

\*House Amendment "A":

1. eliminates (a) the requirement that homemaker companion agencies check an applicant's work authorization form before making an employment offer (§§ 19 & 21) and (b) a licensing exemption for certain water meter work and
2. adds the provisions on (a) health club contracts (§§ 38 & 39), (b) the new motor vehicle lemon law (§§ 40-42), (c) pharmacies (§§ 43-47), (d) medical marijuana (§ 48), (e) hemp (§§ 49-52), (f) the Liquor Control Act (§§ 53-106 & 109), and (g) alcohol permittee sales for off-premises consumption (§§ 107 & 108).

**§ 1 — SITING COUNCIL CONSULTATION**

*Eliminates the requirement that the council consult with DCP prior to starting public hearings*

The bill removes DCP from the list of state agencies that the Connecticut Siting Council must consult with and solicit written comments from, prior to starting public hearings on certificate of environmental compatibility and public need applications.

EFFECTIVE DATE: Upon passage

**§§ 2-5 — APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES**

*Makes changes to the appraisal management company (AMC) statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations*

By law, real estate appraisers, provisional appraisers, and AMCs must register with DCP. The bill makes several changes to the AMC statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations. It:

1. revises the definition of AMC to exclude any subsidiary of a federally regulated financial institution, regardless of what type of appraisal requests it receives, and
2. requires AMCs, when applying to DCP, to disclose any owners,

not just those owning 10% or more of the company (owners are subject to DCP's good moral character review), and makes related conforming changes to subject owners of less than a 10% interest to the same requirements that apply to owners of at least a 10% interest under current law (§§ 2-4).

The bill also makes the real estate appraiser or provisional appraiser continuing education fee annual, rather than biennial, so that it coincides with the renewal period. It also specifies that the fee covers the cost of reviewing and auditing continuing education submissions (§ 5).

EFFECTIVE DATE: July 1, 2021

### **§§ 6 & 7 — ARCHITECTS**

*Establishes continuing education completion deadlines for architects*

By law, architects must complete 12 hours of continuing education (CE) annually (Conn. Agencies Regs. § 20-289-6a); failure to do so may result in license suspension or revocation or civil penalties of up to \$1,000 (CGS § 20-294). The bill establishes specific CE completion deadlines and specifies that architects who miss the deadlines by more than 26 weeks may, after an administrative hearing, lose their license or have it suspended.

The bill specifies that the 12-month CE period begins three months prior to license expiration and ends three months before renewal in the following year. The bill establishes the following fees for architects who do not meet the bill's CE completion deadlines: (1) \$315 for architects who complete it up to 13 weeks after the deadline and (2) \$625 for architects who complete it 13-26 weeks after the deadline.

The bill also allows licensed architects to attest to, rather than submit proof of, completing their required CE.

EFFECTIVE DATE: July 1, 2021

### **§§ 8-10 — COMMUNITY ASSOCIATION MANAGERS (CAM)**

*Makes minor changes to the CAM law*

CAMs provide management services to common interest community associations, such as condominium associations and boards. The bill specifies that CAMs, before applying for an initial registration, must complete a nationally recognized course on community association management and pass the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination (or a similar examination if permitted by DCP regulations). (In practice, DCP already requires this.)

By law, the fee for an initial registration is \$100, plus a \$60 application fee; the fee for renewal is \$200. The bill eliminates a (1) provision that prohibits renewing a certificate that expired more than a year prior and (2) \$50 fee for renewal applications made more than a month after they expired.

EFFECTIVE DATE: Upon passage

### **§§ 11 & 14-17 — GENERAL POWERS**

*Makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it*

The bill makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it.

Among other things, it:

1. specifies that DCP and each board or commission is authorized to place conditions on a license, registration, or certificate (not just suspend or revoke it) or impose a fine of up to \$1,000 per violation;
2. specifies that the DCP commissioner may issue a letter of reprimand to a credential holder or registrant and send a copy of the letter to a complainant or to a state or local official;
3. authorizes the DCP commissioner to place a credential holder or registrant on probationary status and (a) require him or her to

report to DCP regularly or seek further education to attain a satisfactory level of competence and (b) limit his or her practice areas;

4. specifies that continuing education completion periods begin and end three months prior to the annual or biennial renewal date for the applicable credential, except those related to the practice of pharmacy; and
5. specifically authorizes the DCP commissioner to delegate her authority to render a final decision in a contested case to a hearing officer.

The bill specifies that DCP's enforcement powers extend to credentials or registrations that are voluntarily surrendered or not renewed.

EFFECTIVE DATE: Upon passage, except the CE completion period provision (§ 16) is effective October 1, 2021.

## **§ 12 — DATE LABELING REQUIREMENTS**

*Updates an obsolete reference*

The bill replaces a requirement to adopt regulations conforming to an obsolete national standard with a requirement that DCP's regulations prescribe uniform date labeling requirements for food.

EFFECTIVE DATE: Upon passage

## **§ 13 — NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION**

*Specifies the notice procedure that applies when a designated party or intervenor requires notice of an enforcement action*

The bill specifies that notice of DCP administrative enforcement actions, including compliance meetings and hearings related to consumer hotline complaints, must be in writing and comply with the Uniform Administrative Procedure Act. It sets out the specific notice procedure that applies when a designated party or intervenor, or their authorized representative, requires notice of an enforcement action. The notice must be delivered (1) personally; (2) by U.S. mail with

delivery tracking or via certified mail; or (3) by email with tracking and delivery confirmation.

Notice to a non-credential holder is sufficient if DCP makes reasonable efforts, including verifying the mailing address with the Secretary of the State or the Department of Motor Vehicles (DMV). If notice is sent by mail or email to a credential holder, then it is effective if sent to the last known address on file with DCP.

EFFECTIVE DATE: Upon passage

### **§ 18 — CENTRALIZED INFRACTIONS BUREAU**

*Makes certain assessed fines payable by mail without appearing in court*

The bill makes assessed fines payable by mail without appearing in court for (1) manufacturing hemp without a license or (2) noncompliance with a DCP order concerning mobile manufactured home parks.

EFFECTIVE DATE: Upon passage

### **§§ 19-21 — HOMEMAKER-COMPANION AGENCIES**

*Allows homemaker-companion agencies to obtain insurance policies to cover employee theft; requires these agencies to conduct a national background check that meets certain requirements; and specifies conditions that make an individual ineligible for employment*

#### ***Employee Theft Coverage (§ 20)***

Under current law, each homemaker-companion agency must obtain a surety bond for at least \$10,000 to insure against an employee's theft from a client. The bill allows agencies to obtain an insurance policy for the same purpose.

#### ***Background Check (§§ 19 & 21)***

By law, homemaker-companion agencies must conduct a comprehensive background check of prospective employees. Instead of reviewing only public Connecticut criminal records, the bill also requires agencies to conduct a national check. When doing so, it requires them to:

1. search a multistate and multi-jurisdiction criminal record

locator or similar commercial nationwide database with validation;

2. search the Department of Justice's National Sex Offender Public Website; and
3. use a third-party consumer reporting agency or background screening company that is accredited by the Professional Background Screening Association and in compliance with the federal Fair Credit Reporting Act.

The bill also allows agencies to conduct video-conference interviews, rather than requiring the mandated interview to be in-person.

The bill requires agencies to notify clients about their background check policy in writing and include a citation to state law.

The bill requires agencies to obtain a non-citizen's employment authorization form (i.e., Form I-9) after he or she accepts an offer of employment or executes an employment contract.

### ***Hiring Ban (§ 21)***

Under the bill, agencies are prohibited from hiring someone whose name appears on the U.S. Department of Health and Human Services' Office of Inspector General's online federal database of excluded individuals and entities for a conviction within the past five years. Individuals and entities on the list are prohibited from being paid for services with federal health care program funding due to past actions such as Medicare fraud.

The bill also prohibits agencies from hiring someone who in the past five years was:

1. convicted or released from incarceration for a criminal offense related to services or items provided under certain state health care programs (e.g., Medicaid and the Children's Health Insurance Program);

2. convicted under state or federal law or released from incarceration for a criminal offense related to patient neglect or abuse while providing health care items or services;
3. convicted or released from incarceration for a felony related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct (a) while providing health care items or services or (b) for an act or omission in connection with a health care program operated or funded by a government agency;
4. convicted under state or federal law or released from incarceration for a felony relating to unlawful controlled substance manufacture, distribution, prescription, or dispensing; or
5. subject to a state or federal agency's substantiated finding of neglect, abuse, physical harm, or misappropriation of property valued at over \$2,000.

EFFECTIVE DATE: January 1, 2022, except the insurance policy provision is effective upon passage (§ 20).

## **§§ 22-24 — LICENSED TRADESPERSONS**

*Requires contracts for work on private residential property by licensed tradespeople to meet certain specifications*

### **Contract Contents (§§ 22 & 23)**

The bill requires contracts for work on private residential property by licensed tradespeople to meet certain specifications.

The bill applies to contracts entered into by an owner or resident (or their agent) of a one-to-six unit residential property or condominium or common interest community of any size ("consumer"), for work performed by a licensed contractor in the electrical; plumbing and piping; solar; heating, piping, cooling, and sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; automotive glass; or flat glass work fields ("licensed tradesperson").

Under the bill, to be enforceable against the consumer, the contract must contain the entire agreement and:

1. be in writing and signed by the licensed tradesperson or his or her employer and consumer;
2. contain the contracting licensed tradesperson's name, address, and license number (or the employing business's owner or partner's name, phone number, and address);
3. include the name and license number of each licensed tradesperson performing work (this information may be amended in writing during the contract's term);
4. contain notice of the owner's cancellation rights under the Home Solicitation Sales Act; and
5. contain the transaction date and specify a start and completion date.

The bill requires any changes to the contract to be written and signed by both parties unless the DCP commissioner eliminates the requirement by regulation.

***Reinstatement (§ 24)***

The bill limits how long a tradesperson has to apply for license reinstatement after it is suspended or revoked. Under the bill, they have up to 180 days after the action is taken to apply for license reinstatement. The bill specifies that they must show good cause when applying for reinstatement.

By law, unchanged by the bill, tradespeople must wait at least 90 days after action is taken on their license to apply for reinstatement.

EFFECTIVE DATE: Upon passage, except the tradesperson contract provision (§ 23) is effective January 1, 2022.

**§ 25 — LAPSE OF PROFESSIONAL ENGINEER OR SURVEYOR LICENSE**

*Specifies that a license lapses if not renewed by the expiration date*

For professional engineer and surveyor licensees, the bill specifies that a license lapses if not renewed by the expiration date.

EFFECTIVE DATE: Upon passage

## **§§ 26-28 — REAL ESTATE BROKERS AND SALESPERSONS**

*Changes the annual registration expiration date for real estate brokers*

The bill makes several minor changes to the real estate brokers' and salespersons' licensing laws. It:

1. changes the annual expiration date for brokers' licenses to November 30, rather than March 31, and specifies how renewals will be handed in the transition year (i.e., 2022), including a pro-rated renewal fee;
2. eliminates a provision making application fees refundable if a broker's or salesperson's license is not issued; and
3. makes real estate brokers' and salespersons' continuing education fee annual, rather than biennial (so that it coincides with the renewal period), and specifies that it covers the cost of reviewing and auditing continuing education submissions.

EFFECTIVE DATE: Upon passage

## **§§ 29 & 38 — HOME IMPROVEMENT CONTRACTORS**

*Changes the annual registration expiration date for home improvement contractors*

The bill makes home improvement contractors' annual registrations expire on March 31, rather than November 30, and specifies how renewals will be handed in the transition year (i.e., 2021), including a pro-rated fee (§ 29).

It also makes a minor change to the affidavit requirement for Home Improvement Guaranty Fund applicants by eliminating the requirement that it be notarized (§ 38).

EFFECTIVE DATE: Upon passage

## **§§ 30 & 31 — MOBILE MANUFACTURED HOME PARK LICENSES**

*Makes several changes in the law on DCP's enforcement authority over mobile manufactured homes*

The bill makes several changes to the mobile manufactured home park licensing laws. It:

1. specifies that a mobile manufactured home park's license renewal may only be denied for failure to comply with the law if a formal enforcement action has been commenced;
2. specifies that DCP may place conditions on a license following a violation of applicable laws, rather than only revoke, suspend, or refuse to renew it;
3. subjects violators of a DCP order to a \$500 fine per violation, if 30 days pass without resolution following a reinspection (payable through the Centralized Infractions Bureau);
4. gives DCP 30 days, rather than five, to hold a hearing after immediately suspending a license upon finding certain public health and safety violations; and
5. authorizes DCP to require a licensee to obtain and pay for an independent inspection report assessing the potential public health impact of a park condition (e.g., trees or plumbing systems).

EFFECTIVE DATE: Upon passage

## **§§ 32-36 — CERTIFIED PUBLIC ACCOUNTANTS**

*Makes several changes to the law regulating certified public accountants (CPAs), including changes to conform the law to the American Institute of CPAs' rules of conduct concerning fees*

### ***Exam and License Renewal (§§ 32 & 33)***

The bill specifically allows an applicant to take the CPA exam if he or she has completed at least 120 semester hours of appropriate education as specified in Board of Accountancy regulations. Currently, to qualify to take the exam, one must have a B.A. or equivalent with an accounting concentration or equivalent.

The bill requires CPAs to renew their licenses online and pay the renewal fee by credit card or electronic funds transfer unless they request and are granted a waiver from the Board of Accountancy due to extenuating circumstances.

***Work Product Retention (§ 34)***

The bill requires CPAs to keep work product and workpaper related to work for a client for at least seven years after creation unless the law requires a longer retention. Current law only specifies that CPAs must retain workpaper as required by law.

As is the case under existing law, work product or workpaper related to the audit of a corporation subject to the Securities Exchange Act of 1934 must comply with the retention laws specific to those audits.

***Fee Arrangements (§§ 35 & 36)***

The bill makes several minor changes to conform state law to the American Institute of CPAs' rules of conduct for CPA commissions and contingency fees. Among other things, it explicitly expands existing law's prohibition on certain contingent fee arrangements by specifying that a CPA may not work on contingency for a client in a situation where another member of the CPA's firm would be prohibited from doing so. (Existing law prohibits CPAs from working on a contingent fee basis under certain conditions, including when the CPA is auditing a client or preparing tax returns.) The bill also eliminates a provision requiring contingent fee arrangements to be in writing.

EFFECTIVE DATE: October 1, 2021, except the 120 semester hours provision is effective upon passage (§ 32), and the work product retention provision (§ 34) is effective July 1, 2021.

**§ 37 — LOCKSMITHS**

*Specifies the method for conducting a criminal history check of prospective registrants*

The bill specifies that a locksmith registration applicant's criminal history check must be a state and national criminal history check

requested through the State Police Bureau of Identification.

EFFECTIVE DATE: Upon passage

### **§§ 39 & 40 — HEALTH CLUB CONTRACTS**

*Requires health clubs to (1) allow members to cancel their memberships by email and (2) provide written notice about the renewal at the beginning of the contract for those subject to automatic renewal*

#### ***Cancellation by Email***

Current law requires consumers seeking to cancel a health club contract to do so by certified or registered mail. The bill (1) allows them to also cancel the contract by email by providing written notice to the health club's email address and (2) eliminates the requirement that a mailed cancellation be sent by certified or registered mail. It makes conforming changes to the contract's statement of the consumer's rights, which by law must include a conspicuous caption: "BUYER'S RIGHT TO CANCEL" and a statement regarding how to cancel the contract.

The bill additionally requires that each contract renewed on or after October 1, 2021, revise the "BUYER'S RIGHT TO CANCEL" language to provide for e-mail cancellations.

#### ***Notice of Automatic Renewal***

The bill requires health clubs, for contracts subject to automatic renewal, to provide written notice of the renewal to consumers when they enter into the contract. The notice must be conspicuously printed on the contract's first page and be in bold, 14-point print. By law, contracts may not automatically renew for more than one month at a time.

EFFECTIVE DATE: October 1, 2021

### **§§ 41-43 — NEW MOTOR VEHICLE LEMON LAW**

*Requires additional manufacturers to stamp their vehicles indicating they are lemon law buybacks; requires consumers in arbitration to provide notice about the arbitration before selling their motor vehicle; fines manufacturers that fail to stamp within the specified time period or fail to perform arbitration awards; and requires dealers to remit payments to the new automobile warranties account in an annual lump sum*

***Incidental Damages (§ 41)***

The lemon law establishes a consumer's right to a refund or replacement vehicle if, after a reasonable number of repair attempts, a manufacturer cannot make the consumer's vehicle conform to applicable express warranties. Under the law's provisions, a "motor vehicle" means the following vehicles sold or leased in this state: passenger motor vehicles, certain commercial motor vehicles, or motorcycles (CGS § 42-179).

By law, a refund must include, among other things, all incidental damages, less a reasonable amount for the consumer's use of the vehicle. The bill expands what is considered incidental damages to include any commercially reasonable charges or expenses for (1) covering, returning, or disposing of the vehicle; (2) making reasonable efforts to minimize or avoid the consequences of financial default related to the vehicle; and (3) effectuating other remedies after a defect or condition that substantially impaired the vehicle has been reported to a dealership or manufacturer. As under current law, incidental damages also include expenses for the vehicle's inspection, receipt, transportation, care, and custody.

***Stamp (§ 41)***

The bill requires manufacturers that buy back a vehicle under the lemon law to stamp the vehicle with "MANUFACTURER BUYBACK-LEMON" instead of "MANUFACTURER BUYBACK" as current law requires. It requires that this stamp be added to all lemon law returns, including (1) vehicles returned through arbitration and (2) returns accepted by the manufacturer due to a nonconformity or defect, in exchange for a refund or a replacement vehicle, whether by an administrative or judicial determination. Current law requires the stamp only for settlements.

The bill increases, from 10 to 30 days after receiving the title, the deadline by which a manufacturer must stamp the title and submit a copy to the DMV. As under current law, the manufacturer must make this stamp clearly and conspicuously on the face of the original title in letters at least ¼ inch high.

The bill allows DCP to fine manufacturers up to \$10,000 if they fail to stamp a title within 30 days after receiving the vehicle. The fine must be deposited in the new automobile warranties account. A manufacturer aggrieved by a fine may, within 10 days after receiving written notice of the fine from DCP, make a written request for a hearing. Under the bill, DCP must, upon receiving all documentation needed to evaluate the request, determine whether circumstances beyond the manufacturer's control prevented performance. The department may also conduct a hearing under the Uniform Administrative Procedure Act, if appropriate.

The bill allows the DCP commissioner to adopt regulations to implement these provisions.

***Arbitration Notice (§ 42)***

The lemon law allows consumers to apply for arbitration through DCP by submitting applicable forms and a \$50 filing fee to the department. Under the bill, if a consumer files for arbitration but sells the vehicle before a decision or settlement, then he or she must notify the individual or entity buying the vehicle that an action is pending with DCP under the lemon law program. The consumer must give this notice before the buyer executes a bill of sale and must include any DCP-provided case number or reference number. The consumer must also (1) notify DCP about the sale within five days after the buyer executes the bill of sale, (2) provide DCP with the buyer's name and contact information, and (3) attest that notice of the pending action was given to the buyer before the sale.

***Failure to Perform (§ 42)***

The bill allows DCP to fine a manufacturer up to \$1,000 per day if it fails to perform all remedies awarded by the arbitrator by the applicable performance date the arbitrator specified. This authority applies if the award's enforcement has not been stayed by a court or otherwise modified by the arbitrator. DCP may impose the fine each day until the manufacturer fully performs as specified under the award. Any fine must be deposited in the new automobile warranties account. A manufacturer aggrieved by a fine may appeal in the same

manner as under the failure to stamp fine (see above).

***New Automobile Warranties Account (§ 43)***

By law, DCP may use the new automobile warranties account to implement the lemon law. The account is funded by a \$3 surcharge on each sale or lease of a new vehicle in the state and is collected by licensees (i.e., dealers).

The bill requires dealers to pay the surcharges they collect in a calendar year in a lump sum to DCP by the following March 31. It allows DCP to assess a \$2 per-vehicle late fee.

***Background – Lemon Law Applicability***

The lemon law offers protections for a new vehicle when it has a defect that substantially impairs its use, safety, or value, and the vehicle has been:

1. repaired four or more times during the first 24,000 miles or two years of service;
2. out of service for a total of 30 days during the same period and the defect remains; or
3. repaired at least twice during the first year or the warranty term, whichever is shorter, and the defect is likely to cause death or serious bodily injury if the vehicle is driven (CGS § 42-179).

EFFECTIVE DATE: October 1, 2021

**§ 44 — CONTROLLED SUBSTANCE REGISTRATIONS**

*Allows DCP to immediately inactivate a practitioner’s controlled substance registration if his or her license, registration, or approval of a license to practice is inactive for more than 90 days*

The bill allows DCP to immediately inactivate a practitioner’s controlled substance registration if his or her license to practice, or related registration or approval, is inactive for more than 90 days. Current law requires DCP to notify the practitioner and hold an administrative hearing prior to taking such action.

The bill specifies that an inactivation is not a disciplinary action and that the controlled substance registration must be reinstated without charge if the practitioner restores his or her license, registration, or approval to practice with the Department of Public Health or the associated board or commission before the registration was set to expire.

By law, a practitioner who prescribes, distributes, administers, or dispenses a controlled substance must obtain a registration from DCP. Practitioners eligible for the registration include physicians, dentists, veterinarians, advanced practice registered nurses, and scientific investigators, among others.

EFFECTIVE DATE: October 1, 2021

#### **§ 45 — EPINEPHRINE AUTO INJECTOR PRESCRIPTIONS**

*Allows pharmacists to prescribe an epinephrine auto injector (e.g., EpiPen) to someone who previously had a prescription for one, under certain circumstances*

The bill permits a pharmacist, in his or her professional discretion, to issue a prescription for up to two epinephrine auto injectors if the pharmacist:

1. confirms another pharmacy has dispensed the medication to the patient under a prescription within the past two years;
2. identifies the patient's primary care provider, based on information the patient provides when requesting the prescription;
3. informs the patient's primary care provider within seventy-two hours after issuing the prescription (by phone, fax, or electronic transmission); and
4. does not prescribe refills or fill the prescription more than once per year.

The bill defines "epinephrine auto injector" as a prefilled auto injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to

allergic reactions.

The bill specifies that it does not prevent a pharmacist from verifying a previous prescription at any other U.S. pharmacy, including pharmacies in any area under U.S. jurisdiction (e.g., a territory).

EFFECTIVE DATE: Upon passage

#### **§ 46 — STERILE COMPOUNDING FACILITY CHANGES**

*Increases, from 10 to 45 days, the advance notice a compounding facility must give DCP when it plans to remodel or repair its sterile compounding facilities; requires emergency repairs to be reported within 24 hours*

The bill increases, from 10 to 45 days, the advance notice a compounding facility must give DCP before it begins to remodel, relocate, upgrade, or repair sterile compounding areas or adjacent spaces, including:

1. remodeling an area used for compounding sterile pharmaceuticals or an adjacent space;
2. relocating the sterile compounding area; or
3. in a sterile compounding area, upgrading or conducting a nonemergency repair to the heating, ventilation, air conditioning, or primary or secondary engineering controls.

The bill also requires emergency repairs made in these pharmacies to be reported within 24 hours after they started, instead of as soon as possible as under current law.

Additionally, the bill makes related minor changes, including requiring notice when secondary engineering controls are upgraded or repaired.

EFFECTIVE DATE: Upon passage

#### **§ 47 — PHARMACIST CONSULTATIONS**

*Expands the requirement that pharmacists offer to consult with patients when dispensing medications to include controlled substances, in addition to other drug types; applies the requirement to all pharmacies*

The bill requires pharmacists or pharmacy employees, before or while dispensing a controlled substance, to offer for the pharmacist to counsel a patient on the drug and its use. Current law already requires pharmacists and employees to do this for other dispensed drug types.

As under current law, the requirement does not apply if the (1) person picking up the prescription is not the patient or (2) pharmacist determines it is appropriate to make the offer in writing. A written offer must give the patient the option to communicate in person at the pharmacy or by telephone.

The bill specifies that the consultation requirement applies to all pharmacies instead of only (1) hospital pharmacies, when dispensing a drug for outpatient use or use by an employee or the employee's spouse or children, and (2) state-licensed pharmacies. As under current law, pharmacists are not required to provide counseling if a patient refuses it.

EFFECTIVE DATE: Upon passage

#### **§ 48 — DRUG WHOLESALER DEFINITION**

*Exempts certain pharmacies from the definition of "drug wholesaler"*

The bill exempts from registering with DCP as a "drug wholesaler" (1) retail pharmacies that provide a limited quantity of drugs for emergency stock to a hospice inpatient facility's medical director and (2) pharmacies within a hospital that contains another hospital wholly within its physical structure, if providing prescribed medications to be administered onsite to the contained hospital's outpatients.

Existing law provides similar exemptions for pharmacies (1) that provide emergency stock to nursing homes or (2) within a hospital that contains another hospital when the drug will be used in the contained hospital's inpatient unit.

EFFECTIVE DATE: July 1, 2021

**§ 49 — MEDICAL MARIJUANA MATERIAL CHANGE NOTICE AND WAITING PERIOD**

*Requires anyone involved in a transaction that results in a material change to a medical marijuana business to file written notice with the attorney general and establishes a waiting period for these transactions*

The bill requires any person who enters into a transaction, either directly or indirectly, that results in a material change to a medical marijuana business to file a written notice with the attorney general and serve a waiting period. A “person” means an individual, firm, partnership, corporation, company, association, trust, other business, or tribal entity; and a “medical marijuana business” means a licensed medical marijuana dispensary or production facility.

Under the bill, “material change” means:

1. the addition of a dispensary facility backer or producer backer (i.e., an owner of a greater than 5% stake);
2. a change in the ownership interest of an existing dispensary facility backer or producer backer;
3. the merger, consolidation, or other affiliation of a medical marijuana business with another person;
4. the acquisition of all or part of a medical marijuana business by another person; and
5. the transfer of assets or security interests from a medical marijuana business to another person.

“Transfer” means to sell, transfer, lease, exchange, option, convey, give, otherwise dispose of, or transfer control over, including by way of merger or joint venture not in the ordinary course of business.

***Written Notice***

The bill requires the written notice to be in a form and contain the documentary material and information relevant to the proposed transaction as the attorney general deems necessary and appropriate to enable him to determine whether the transaction, if consummated,

violates antitrust laws.

By law, the attorney general has the authority to, among other things, investigate proposed transactions and require parties to provide relevant information through subpoenas and written interrogatories (CGS § 35-42).

***Waiting Period***

The bill requires a waiting period before the transaction is complete, which begins on the day the attorney general receives the completed notice from all parties to the transaction (see above). The waiting period generally ends on the 30th day after the receipt unless the attorney general extends the time or, in individual cases, terminates the waiting period and allows the transaction to proceed.

Under the bill, the attorney general may, before the 30-day waiting period expires, extend the waiting period by requesting additional material. He may require parties to submit, pursuant to a subpoena or voluntarily, additional information or documentary material relevant to the proposed transaction. Upon this request, the waiting period is extended until 30 days after the parties have substantially complied with the request, as determined by the attorney general.

***Disclosure Prohibited***

Under the bill, any information or documentary material filed with the attorney general is not disclosable under the Connecticut antitrust investigation law or FOIA. This information or material must not be made public, except as may be relevant to an administrative or judicial action or proceeding.

The bill requires the information or documentary material to be returned to the person who provided it when the attorney general's review is terminated or the final determination of any action or proceeding commenced as a result.

EFFECTIVE DATE: July 1, 2021

**§§ 50-53 — HEMP**

*Allows licensed medical marijuana producers to manufacture, market, cultivate, or store hemp and manufacturer hemp products and obtain these products from other legal sources; requires these products the producer purchases to be tracked throughout the manufacturing process*

The bill requires any licensed medical marijuana producer that manufactures, markets, cultivates, or stores hemp and manufacturer hemp products to do so in accordance with existing medical marijuana laws and regulations. The bill also allows producers to obtain hemp and manufacturer hemp products from a person authorized under Connecticut law or the law of another U.S. state, territory, or possession or other sovereign entity to possess and sell these products.

### **Definitions**

As under the existing hemp laws, “hemp” is the plant *Cannabis sativa* L and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis. “Manufacturer hemp products” are commodities manufactured from the hemp plant for commercial or research purposes that are intended for human ingestion, inhalation, absorption, or other internal consumption, containing a THC concentration of not more than 0.3% on a dry weight basis or per product volume or weight.

### **Exemption**

Under the bill, the Seed Law Chapter and its regulations do not apply to medical marijuana producers, broadening an existing provision generally exempting producers from laws on hemp licensure and programs. The Seed Law Chapter generally establishes requirements for seed labeling, sale, inspection, and restrictions, among other things (CGS § 22-55 et seq.).

### **Third-Party Tracking**

The bill requires the hemp or manufacturer hemp products a producer purchases from third parties to be tracked as a separate batch throughout the manufacturing process to document their disposition. Once the producer obtains, manufactures, markets, cultivates, or stores these products, they are deemed marijuana and the producer must

comply with the applicable marijuana laws and statutes. Producers must retain a copy of the certificate of analysis for hemp or manufacturer hemp products purchased and the invoice and transport documents that show the quantity purchased and date received.

### ***Medical Marijuana Dispensaries and Laboratories***

The bill (1) prohibits hemp or hemp products from being sold or distributed within a medical marijuana dispensary and (2) requires the independent testing laboratory that tests hemp to be located in Connecticut. By law, hemp that is intended to be manufactured into a manufacturer hemp product must be tested by an independent testing laboratory.

EFFECTIVE DATE: July 1, 2021

## **§§ 54-78 — LIQUOR CONTROL ACT CONFORMING AND TECHNICAL CHANGES**

*Makes numerous minor, technical, and conforming changes to implement the changes from PA 19-24, including, among other things, conforming changes for the new cafe permit*

The bill makes numerous minor, technical, and conforming changes to implement the changes to liquor laws from PA 19-24. Among other things, it deletes references to obsolete permits such as airline, tavern, railroad, golf, coliseum concession, special sporting facilities, and bowling establishment permits and references the newly structured cafe permit as applicable.

EFFECTIVE DATE: July 1, 2021, except as otherwise noted below.

## **§ 61 — SPECIAL CLUB PERMITS**

*Allows cafe permittees that are nonprofit clubs to receive an additional permit to allow alcohol sales at outdoor picnics*

The bill allows cafe permittees deemed in compliance based on being a nonprofit club to also receive a special club permit. By law, a special club permit allows the permittee to sell alcoholic liquor (e.g., spirits, wine, and beer) by the drink to be consumed at an outdoor picnic. DCP has full discretion over issuing the permit based on the suitability of the place. The special club permit fee is \$50 per day and

may only be granted four times in one calendar year.

EFFECTIVE DATE: July 1, 2021

**§ 68 — HOLDING MULTIPLE PERMITS**

*Allows a (1) nonprofit theater permittee to also hold a coliseum permit and (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit*

The bill allows a (1) nonprofit theater permittee to also hold a coliseum permit and (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit (see below, § 565). By law, permittees and backers of one permit class are generally prohibited from holding a permit in another class.

EFFECTIVE DATE: Upon passage

**§ 68 — WHOLESALER'S HEARING REQUEST ON PRIOR PERMITTEE'S LIQUOR OBLIGATIONS**

*Eliminates a wholesaler's ability to request a hearing when a retailer permit applicant purchases a business where a prior permittee may have had outstanding liquor obligations*

By law, permit applications are not approved for a proposed change or change in ownership of a retail permit premises unless the applicant files an affidavit by the seller stating all obligations have been paid or the applicant did not receive consideration from the predecessor permittee. The bill eliminates a wholesaler's ability to request a hearing if he or she believes (1) there is outstanding obligations or (2) the applicant received consideration.

EFFECTIVE DATE: Upon passage

**§ 69 — PACKAGE STORE INTEREST INCREASE**

*Increases the number of alcoholic beverage retail permits (e.g., package stores) a person or backer may acquire an interest in from five to six*

The bill increases the number of alcoholic beverage retail permits (e.g., package stores) a person or backer may acquire an interest in from five to six.

EFFECTIVE DATE: July 1, 2021

**§§ 70 & 86 — AFFIRMED APPLICATIONS**

*Requires certain applications to be affirmed rather than sworn*

The bill requires certain applications to be affirmed rather than sworn. This applies to the following documents:

1. an application for any liquor permit or renewal (CGS § 30-39) and
2. an affidavit signed by an applicant stating that access from the dwelling to the proposed premises is closed for a permit to sell alcoholic liquor in the premises in a building where part of the building is used as a dwelling (CGS § 30-51).

EFFECTIVE DATE: July 1, 2021, except the liquor permit and renewal affirmation provision is effective upon passage.

#### **§ 75 — EFFECTIVE SEPARATION AND MINORS**

*Prohibits minors from being at certain consumer bars without a parent, guardian, or spouse*

For barrooms that consist of only one room without effective separation between the barroom and the dining room, the bill prohibits minors from sitting or standing at the consumer bar without being accompanied by a parent, guardian, or spouse.

EFFECTIVE DATE: July 1, 2021

#### **§ 76 — AIRPORT ALCOHOL HOURS**

*Reauthorizes certain airport cafe permittees to serve alcohol at the hours they were allowed to before the enactment of PA 19-24*

The bill reauthorizes a cafe permittee that is deemed in compliance based on operating at Bradley International Airport to serve alcohol (1) between 6:00 a.m. and 1:00 a.m. the next morning Sunday through Thursday; (2) between 6:00 a.m. and 2:00 a.m. the next morning on Friday to Saturday; (3) on Christmas, when food is available; and (4) on New Year's Day until 3:00 a.m. Prior to PA 19-24, these airport permittees were allowed to sell alcohol during these hours.

As under existing law, the Connecticut Airport Authority may enter into agreements with lessees or concessionaires about the hours for selling, dispensing, and allowing food or nonalcoholic beverages to be

consumed under the permit.

EFFECTIVE DATE: July 1, 2021

### **§ 78 — DCP ALCOHOL REGULATIONS PAMPHLET**

*Eliminates the option for DCP to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website*

Current law requires DCP to publicize its alcohol regulations biennially by either publishing a pamphlet that must be furnished upon request or posting them on the department's website. The bill eliminates the option to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website.

EFFECTIVE DATE: July 1, 2021

### **§ 79 — COMPLAINT DISCLOSURE TIMEFRAME**

*Increases the time DCP can withhold investigation information from six to 18 months*

Current law allows DCP to withhold from disclosure any complaints, inspections, or other information from an investigation until the earlier of (1) when the investigation is completed, (2) six months after the complaint was filed, or (3) six months after the investigation began. The bill increases the time DCP may withhold information related to an investigation from six to 18 months for both when the complaint was filed and when the investigation began.

EFFECTIVE DATE: July 1, 2021

### **§ 80 — WHOLESALER FREE SAMPLES**

*Allows wholesalers to offer industry members and their own staff free samples of alcohol they distribute*

The bill allows wholesalers to offer industry members and their own staff free samples of alcohol they distribute for tasting on the wholesaler's premises. Any offering, tasting, wine education, and tasting class demonstration held on the permit premises must be conducted only during the hours a package store can operate. By law, package stores may sell between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday. Sales are also prohibited on Thanksgiving Day, New Year's Day, or Christmas (CGS

§ 30-91(d)).

The bill also limits the wine tastings to (1) 10 uncorked or open bottles at any one time and (2) four times a year.

EFFECTIVE DATE: July 1, 2021

**§ 81 — CONCESSION PERMITTEES SERVING TWO DRINKS AT ONCE**

*Allows concession permittees to sell up to two drinks at one time*

The bill allows concession permittees to sell up to two drinks at one time. Current regulations limit permittees to serving one drink at a time (Conn. Agencies Regs., § 30-6-A24b(b)).

EFFECTIVE DATE: July 1, 2021

**§ 82 — PROVISIONAL PERMIT TIME LIMITS**

*Prohibits provisional permits from being extended beyond one year*

The bill prohibits provisional permits from being extended beyond one year after the filing date. It also allows DCP, along with the Liquor Control Commission, to issue these permits.

EFFECTIVE DATE: July 1, 2021

**§§ 83 & 84 — DRUGGIST PERMIT ALCOHOL DELIVERIES**

*Allows druggist permittees to deliver alcohol*

Existing law allows druggist permittees to, among other things, sell alcohol in containers of between eight ounces or 187.5 mL and one quart or one liter, except beer may be sold in containers of up to 40 ounces or 1,200 mL. The bill additionally allows them to deliver alcohol in these quantities.

The bill also makes a technical change that substitutes the Commission of Pharmacy with DCP as the licensing authority.

EFFECTIVE DATE: July 1, 2021

**§ 85 — CATERER PERMIT**

*Specifies that caterer liquor permittees may sell and serve alcoholic liquor without food, prohibits them from self-dealing or self-hiring in order to generate catering events, and allows for exclusive catering contracts*

The bill specifies that (1) a caterer liquor permittee may sell and serve alcoholic liquor for on-premise consumption with or without food at any event the permittee was hired for and (2) the service must be done pursuant to a contract between the permittee and the hiring party.

The bill also prohibits caterer permittees from self-dealing or self-hiring in order to generate catering events.

Under the bill, caterer permittees may enter into an exclusive contract with another business entity to provide catering services at a specific venue, as long as the caterer is available for hire and uses the permit at other venues. It prohibits the permittee, backer, or their spouse or children from having an ownership interest in the venue that has the exclusivity agreement.

EFFECTIVE DATE: July 1, 2021

## **§ 86 — NOTICING AND PLACARDING REQUIREMENTS EXEMPTION**

*Exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from noticing and placarding requirements*

The bill exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from the noticing and placarding requirements. By law, applicants are generally required to give notice of a new permit in the newspaper and place placards visible from the road that include certain information, such as the name and location of the business. PA 19-24 consolidated the beer permits and established a Connecticut craft cafe permit that allows manufacturer permittees to sell for on-premises consumption.

EFFECTIVE DATE: Upon passage

## **§ 86 — REMONSTRANCE**

*Limits remonstrances to instances where the issue is not controlled by local zoning*

By law, any 10 individuals who are at least age 18 may file a remonstrance with DCP about the applicant's suitability or proposed place of business, and DCP must hold a hearing upon the filing. The bill limits these to instances where the issue is not controlled by local zoning.

EFFECTIVE DATE: Upon passage

### **§ 86 — APPLICATIONS WITH NO ACTION**

*Allows DCP to return applications when no action has occurred in 12 months*

The bill allows DCP to deem an application withdrawn and return applications when no new permit is issued within 12 months from the filing.

EFFECTIVE DATE: Upon passage

### **§§ 87, 88, 92 & 94-96 — FINES AND APPEALS**

*Specifies that the appeals of conditions placed on permits are held in accordance with the UAPA and fines on a permit are per violation*

The bill specifies that (1) permittees may appeal under the Uniform Administrative Procedure Act (UAPA) when DCP places conditions on the permit and (2) fines on a permit are per violation. By law, DCP may impose a fine of up to \$1,000.

The bill also specifies that final decisions to suspend or revoke permits are under the UAPA and immediately effective.

The bill also subjects certain existing penalties to permit revocation and suspension penalty provisions under CGS § 30-55. In doing so, it:

1. gives DCP more discretion in penalties associated with the sale of alcohol (a) without a suggested price schedule and (b) of a discontinued brand in a closeout sale and
2. eliminates the possibility of up to one-year imprisonment for illegally shipping alcoholic liquor into the state and for any alcoholic liquor provision with an unspecified penalty.

EFFECTIVE DATE: July 1, 2021

**§ 89 — NOTICES**

*Requires notices of decisions of any revocation or suspension of any permit to be posted on DCP's website rather than sent to the town clerk where the permittee operates or operated*

The bill requires DCP to post notice of any permit revocation or suspension on the department's website rather than sending a certificate of the permit revocation, suspension, or reinstatement to the town clerk of the town where the permittee operates or operated.

EFFECTIVE DATE: July 1, 2021

**§ 90 — TECHNICAL CHANGE**

*Makes a technical change*

The bill makes a technical change by removing a reference to an obsolete position.

EFFECTIVE DATE: July 1, 2021

**§ 91 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)**

*Specifically allows CUTPA to be used in cases of unfair pricing*

The bill specifically allows CUTPA to be used in cases of unfair pricing where a wholesaler or retail permittee sells at a price with the intent to destroy or prevent competition.

EFFECTIVE DATE: July 1, 2021

**§ 93 — MANUFACTURER REBATES**

*Prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) requiring alcohol purchase as a prerequisite for purchasing these items*

The bill prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) permittees from requiring that alcoholic liquor be purchased for a consumer to receive access to any merchandise, novelty, or other item.

By law, a manufacturer's rebate is the amount due and payable according to a permittee's offer, other than a retail permittee, to refund a consumer for all or a portion of the alcoholic liquor product's purchase price.

EFFECTIVE DATE: July 1, 2021

**§ 97 — CAFE PERMITS FOR HIGHER EDUCATION INSTITUTIONS**

*Allows cafe permits to be issued to accredited higher education institutions*

The bill allows cafe permits to be issued to higher education institutions accredited by the Board of Regents, Office of Higher Education, or otherwise authorized to award a degree. The permit may be granted for the land and buildings that are subject to the care, custody, and control of these institutions.

EFFECTIVE DATE: July 1, 2021

**§ 98 — OUT-OF-STATE SHIPPERS**

*Allows out-of-state shipper permittees to sell outside of Connecticut*

The bill allows out-of-state shipper permittees for alcoholic liquor other than beer to sell alcoholic liquor to manufacturers and wholesaler permittees outside of Connecticut.

EFFECTIVE DATE: July 1, 2021

**§ 99 — PACKAGE STORE SHIPPING OUT-OF-STATE**

*Allows package store permittees to ship to out-of-state consumers below their cost*

Regardless of the law prohibiting retailers from selling below their costs, the bill allows package store permittees to ship alcoholic liquor to out-of-state consumers, subject to all applicable laws of the jurisdiction where the consumer is located “out-of-state” means any U.S. territory or possession, Washington D.C., or Puerto Rico, but not any foreign countries.

EFFECTIVE DATE: July 1, 2021

**§ 100 — TWO DRINKS AT ONCE**

*Allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at once*

The bill allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at one time. It also requires the DCP commissioner to amend any existing regulations to allow for two drinks. Current regulations limit permittees to serving

one drink at a time (Conn. Agencies Regs., § 30-6-A24b(b)).

EFFECTIVE DATE: July 1, 2021

### **§§ 101 & 102 — MUNICIPAL OPTION**

*Allows municipalities to decide whether to allow alcoholic liquor (e.g., spirits, wine, and beer) sales legislatively rather than by referendum*

The bill allows municipalities to determine whether to allow alcoholic liquor sales or which permit types to allow through a vote of its legislative body or, in a town with a legislative town meeting, by vote of the board of selectmen rather than a referendum.

Under the bill, if a town made a determination before the provision becomes effective, that action remains in effect until the town takes further action in accordance with the bill's provisions.

EFFECTIVE DATE: Upon passage

### **§ 103 — SEASONAL OUTDOOR OPEN-AIR PERMIT**

*Establishes a seasonal outdoor open-air permit that allows alcohol sales in outdoor spaces under certain conditions*

The bill establishes a seasonal outdoor open-air permit that allows the retail sale of alcoholic liquor for on-premises consumption with a \$2,000 permit fee. This consumption may be done on a lot, yard, green, or other outdoor open space under certain conditions, including the following:

1. the retail sale and consumption of alcoholic liquor is allowed in the space by applicable local zoning, health, and fire marshal officials;
2. the permitted premises is less than one square acre;
3. a temporary fence or wall at least 30 inches high encloses the permitted area; and
4. restrooms or enclosed portable toilets are available within the permitted area or nearby.

The permittee must also make food available for sale to consumers

to eat on the premises while the permittee is selling the alcohol. The food may be prepared on the premises, provided by a food truck or caterer, or be prepackaged. The availability of menus for delivery is deemed in compliance with the food requirement. The bill specifies that food is not required to be purchased with an alcoholic beverage.

The bill allows tents, mobile units, and other temporary fixtures to be included within the permitted premises. A permittee must maintain the permitted premises in a manner consistent with all applicable local zoning, health, and fire requirements.

The permit is effective either from April 1 to September 30 or May 1 to October 31 of the same year. DCP must issue the permit, which is subject to the hours a restaurant permittee may serve alcohol. By law, restaurant permittees may generally serve alcohol from 9:00 a.m. to 1:00 a.m. the next morning on Monday through Thursday, from 9:00 a.m. to 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. to 1:00 a.m. the next morning on Sunday (CGS § 30-91(a)).

Under the bill, the permit is not renewable and there is no provisional permit available. It also allows backers to apply for only one permit per calendar year. The bill exempts the permittee from the remonstrance requirements.

The bill also allows the permittee to sell draught beer for off-premises consumption (i.e., by the growler). Permittees may only sell up to four liters per person per day during the hours package stores can sell. By law, package stores may sell between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday.

EFFECTIVE DATE: Upon passage

**§ 104 — PROHIBITION ON RELABELING AS CONNECTICUT WINE**

*Prohibits anyone from repackaging, relabeling, or selling wine manufactured outside of Connecticut for the purpose of selling it as Connecticut-made wine*

Notwithstanding the alcoholic liquor manufacturing, out-of-state shipper's, and out-of-state winery shipper's permit statutes, the bill

prohibits anyone from repackaging, relabeling, or selling wine manufactured outside the state for the purpose of selling it as Connecticut-made wine.

EFFECTIVE DATE: July 1, 2021

### **§ 105 — PACKAGE STORE ALLOWABLE ITEMS**

*Allows package store permittees to sell devices and related accessories designed to access and extract a beverage containing alcohol from a prepackaged container (e.g., pod or pouch)*

The bill allows package stores to sell devices and related accessories designed primarily for accessing and extracting a beverage containing alcohol from prepackaged containers, including pods, pouches, or similar containers, but excluding devices that are not designed primarily for such purposes, including household blenders.

EFFECTIVE DATE: July 1, 2021

### **§ 106 — MEAD IN GIFT BASKETS**

*Allows gift basket retailer permittees to sell mead in their gift baskets*

The bill allows gift basket retailer permittees to sell mead in their gift baskets. It requires the permittee to purchase the mead from a package store or from a manufacturer permittee for wine, cider, and mead. As under existing law, the mead must not be consumed on the premises. In addition to the items a permittee may already include in a gift basket (e.g., food items, nonalcoholic beverages, and certain articles of clothing), the bill allows the permittee to sell gift baskets with (1) a maximum four bottles of mead or wine per basket and (2) mead-related drinking glasses, bottle openers, and literature.

EFFECTIVE DATE: Upon passage

### **§ 107 — PROOF GALLON**

*Specifies that a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, may sell sealed bottles at retail for off-premises consumption*

Under the bill, a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, in a calendar year may sell sealed bottles at retail for off-premises consumption.

Depending on the proof of the manufactured spirits, this may increase or decrease the amount a manufacturer may produce and still be able to sell at retail. (Most spirits are under 50 proof; therefore, this provision will likely allow manufactures to produce additional amounts.) By law, for each consumer, these manufacturer permittees for spirits may sell up to three liters per day but not more than five gallons in any two-month period.

As used for the alcoholic beverage tax, “proof gallon” means the equivalent of one wine gallon (i.e., 128 fluid ounces) at 100 proof (CGS § 12-433).

EFFECTIVE DATE: July 1, 2021

**§§ 108 & 109 — CERTAIN ALCOHOL PERMITTEES ALLOWED TO SELL FOR OFF-PREMISES CONSUMPTION**

*Allows, for three years following the bill's effective date, certain alcohol permittees to sell and deliver alcoholic liquor for off-premises consumption that they currently sell for on-premises consumption*

The bill allows, for three years following the bill’s effective date, certain alcohol permittees to sell and deliver alcoholic liquor (e.g., beer, wine, or spirits) for off-premises consumption that they currently sell for on-premises consumption. The permittees are manufacturers, when they are not selling their own product; hotels; restaurants; and cafes, including those that are deemed cafes because of their status under the prior golf country club, club, or nonprofit club permits. The bill specifies that sales must be consistent with all local ordinances where the premises is located.

The bill requires any such alcoholic liquor sold for off-premises consumption to be accompanied by food. Except for manufacturers, permittees may use a container other than the manufacturer’s original sealed container but must make sure it is securely sealed.

By law, manufacturer permittees may already sell their own product for off-premises consumption under certain conditions. The bill allows them to deliver their products and specifically allows them to do so without food.

The bill allows sales and deliveries only during the hours package stores may operate under state law (see *Background*). The permittee's direct employee must make the deliveries unless the third-party vendor or entity holds an in-state transporter permit.

The bill limits the amounts hotel and restaurant permittees may sell each customer per order to 196 ounces for beer, one liter for spirits, and 1.5 liters for wine.

### ***Securely Sealed Containers***

Except for manufacturer permittees, the bill allows the alcoholic liquor to be sold and delivered in containers other than the manufacturer's original sealed container.

Under the bill, the alcoholic liquor must be given to the consumer in a securely sealed container that prevents consumption without removing the tamper-evident lid, cap, or seal. The bill specifies a securely sealed container does not include one with a lid with sipping holes or openings for straws. It also requires the permittee's agent or employee to place each securely sealed container into a bag before leaving the permit premises.

Under the bill, a sealed container is not deemed an open container, so long as the (1) container is unopened and the seal has not been tampered with and (2) contents have not been partially removed.

### ***Manufacturer Permittees***

Under the bill, manufacturer permittees are subject to the same limits for off-premises consumption as the amount they may sell at retail from their premises under existing law. By law, for each consumer, manufacturer permittees for (1) spirits that produce less than 50,000 gallons may sell up to three liters per day but not more than five gallons in any two-month period and (2) beer may sell up to nine gallons per day. There is no limit for permittees of (1) a farm winery or (2) wine, cider, and mead.

### ***Background – Package Store Hours***

By law, package stores may sell between 10:00 a.m. and 6:00 p.m. on

Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday. Sales are also prohibited on Thanksgiving Day, New Year's Day, and Christmas (CGS § 30-91(d)).

EFFECTIVE DATE: Upon passage

## **§ 110 — REPEALER**

*Repeals obsolete provisions*

The bill repeals obsolete provisions due to PA 19-24, including one dealing with barroom partitions and another with special sporting facility permits.

EFFECTIVE DATE: July 1, 2021

## **BACKGROUND**

*Information on related bills*

### ***Related Bills***

sSB 266 (File 14), favorably reported by the General Law Committee, eliminates the affidavit requirement for Home Improvement Guaranty Fund applicants.

sSB 693 (File 355), favorably reported by the General Law Committee, contains the same health club contract and new motor vehicle lemon law provisions as this bill.

HB 694 (File 108), favorably reported by the General Law Committee, contains the same pharmacy-related provisions.

sSB 888 (File 596), favorably reported by the Judiciary Committee, contains substantially similar medical marijuana material change notice and waiting period (§ 61) provisions as this bill.

sHB 5306 (File 117), favorably reported by the General Law Committee, contains the same provision allowing certain permittees to sell alcoholic liquor for off-premises consumption.

sHB 6099 (File 102), favorably reported by the General Law and Environment committees, contains substantially similar medical marijuana material change notice and waiting period and hemp

provisions as this bill.

sHB 6459 (File 121), favorably reported by the General Law Committee, contains substantially similar Liquor Control Act provisions as this bill.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/23/2021)